

JAN 23 2009

A BILL FOR AN ACT

RELATING TO TOXIC PRODUCTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that phthalates, a class
2 of chemicals used in polyvinyl chloride plastic to improve
3 product flexibility and in cosmetics to adhere a fragrance to a
4 product, are also used in many products intended for use by
5 infants and young children, including teethers, toys, and soft
6 plastic books. There is extensive scientific evidence reporting
7 the hormone-disrupting effect of phthalates and the dangerous
8 phthalates levels found in humans. Studies show that virtually
9 everyone carries some level of phthalates in their body due, in
10 part, to oral ingestion of the chemicals.

11 The purpose of this Act is to prohibit the manufacture,
12 sale, or distribution of certain toys and child care articles
13 containing bisphenol-A or specific types of phthalates in
14 concentrations exceeding 0.1 per cent and to require
15 manufacturers to use safer alternatives when replacing
16 phthalates in their products.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 PHTHALATES

6 § -1 Definitions. As used in this chapter:

7 "Child care article" means any product designed or intended
8 by the manufacturer to facilitate the sleep, relaxation,
9 feeding, sucking, or teething of children under the age of
10 three.

11 "Phthalates" or "phthalate esters" means the group of
12 chemical compounds that is used mainly to plasticize soft
13 plastic polyvinyl chloride bath toys, teething rings, bath
14 books, and other toys and child care articles for infants and
15 young children.

16 "Toy" means any product designed or intended by the
17 manufacturer to be used by a child at play.

18 § -2 Prohibition of manufacture, sale, or distribution.

19 Beginning January 1, 2010, no person or entity shall
20 manufacture, sell, or distribute in commerce any toy or child
21 care article that:



- 1 (1) Is intended for use by a child under three years of
2 age and contains bisphenol-A;
- 3 (2) Contains di-2-ethyl hexyl phthalate, dibutyl
4 phthalate, or butyl benzyl phthalate in concentrations
5 exceeding 0.1 per cent; or
- 6 (3) Is intended for use by a child under three years of
7 age if that product can be placed in the child's mouth
8 and contains diisononyl phthalate, diisodecyl
9 phthalate, or di-n-octyl phthalate in concentrations
10 exceeding 0.1 per cent.

11 § -3 Alternatives to bisphenol-A and phthalates. (a)

12 Except as provided in subsection (b), manufacturers shall use
13 the least toxic alternative when replacing bisphenol-A or
14 phthalates in accordance with this chapter.

15 (b) Manufacturers shall not replace bisphenol-A or
16 phthalates with:

- 17 (1) Any carcinogen rated by the United States
18 Environmental Protection Agency as an A, B, or C
19 carcinogen, or any substance listed as a known or
20 likely carcinogen, known to be a human carcinogen,
21 likely to be a human carcinogen, or suggestive of
22 being a human carcinogen, as described in the United



1 States Environmental Protection Agency's List of
 2 Chemicals Evaluated for Carcinogenic Potential; or
 3 (2) Any reproductive toxicant identified by the United
 4 States Environmental Protection Agency as a cause of
 5 birth defects, reproductive harm, or developmental
 6 harm."

7 SECTION 3. This Act shall take effect upon its approval
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INTRODUCED BY: Suzanne Chun Oakland

John Lee
Allen Eyer
Will Sykes
Robert...
Michelle D. Sudani
Mike Gattal



Report Title:

Toxic products; Infant and Child Safety

Description:

Prohibits the manufacturing, sale, or distribution of toys and child care articles containing certain toxic chemicals and requires manufacturers to use the least toxic alternatives.

